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10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF WASHINGTON  
12

13 UNITED STATES OF AMERICA,  
14

15 Plaintiff,  
16

17 vs.  
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19 \$10,850.00 U.S. CURRENCY,  
20 2013 MERCEDES MODEL C COUPE,  
21

22 Defendants.  
23

24 VERIFIED COMPLAINT FOR  
25 FORFEITURE *IN REM*  
26

27 Plaintiff, United States of America, by its attorneys, Vanessa R. Waldref,  
28 United States Attorney for the Eastern District of Washington, and Brian M. Donovan,  
Assistant United States Attorney, brings this complaint and alleges as follows in  
accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

29 **I. NATURE OF THE ACTION**

30 1. This is an action to forfeit and condemn to the use and benefit of the  
31 United States of America the following listed property for violations of Title II of the  
32 Controlled Substances Act, 21 U.S.C. § 801 *et seq.*

33 VERIFIED COMPLAINT FOR FORFEITURE *IN REM* 1

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**II. THE DEFENDANT(S) IN REM**

2. The Defendant Property consists of the following property:

- a. \$10,850.00 U.S. currency, seized by the Bureau of Alcohol, Tobacco, Firearms and Explosives, on or about June 22, 2022 (“Defendant Currency”);
- b. 2013 Mercedes Model C Coupe, Washington License Number: CDD1230, VIN: WDDGJ4HBXDF952456 (“Defendant Vehicle”);

hereinafter collectively referred to as the “Defendant Property” when appropriate.

**III. JURISDICTION AND VENUE**

3. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the Defendant Property. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

4. This Court has *in rem* jurisdiction over the Defendant Property under 28 U.S.C. § 1355(b).

5. Venue is proper in this district pursuant to 28 U.S.C. §1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district.

**IV. BASIS FOR FORFEITURE**

6. Plaintiff repeats and realleges each and every allegation set forth in Paragraphs 1 through 5 above.

7. The United States alleges that the Defendant Property is liable to condemnation and forfeiture to the United States for its use, in accordance with the

1 provisions of 21 U.S.C. § 881(a)(6), because it constitutes: 1) money, negotiable  
2 instruments, securities and other things of value furnished and intended to be  
3 furnished in exchange for a controlled substance in violation of the Controlled  
4 Substances Act; 2) proceeds traceable to such an exchange; and/or 3) money,  
5 negotiable instruments, and securities used and intended to be used to facilitate a  
6 violation of the Controlled Substances Act, which is used, or intended to be used, in  
7 any manner or part, to commit, or to facilitate the commission of, violations of the  
8 Controlled Substances Act; and/or in accordance with the provisions of 21 U.S.C. §  
9 881(a)(4), because it constitutes property used or intended for use to transport, or in  
10 any manner to facilitate the transportation, sale, receipt, possession, or concealment of  
11 controlled substances.  
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## 13 **V. FACTS**

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17 8. An earlier criminal investigation into OSCAR CERVANTES  
18 (CERVANTES) first began in late 2019 or early 2020. CERVANTES is a Hispanic  
19 male, born in 1996, who was living at 191 South Street, Wapato, Washington.  
20 CERVANTES currently has four (4) felony and one (1) misdemeanor convictions in  
21 Washington State.  
22

23 9. The earlier investigation resulted in the execution of search warrants on  
24 January 28, 2020. On that date, federal agents executed a federal search warrant at 191  
25 South Street, Wapato, WA. Pursuant to the search warrant execution, federal agents  
26 seized controlled substances, \$7,700.00, and multiple rounds of ammunition.  
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1           10. The current underlying criminal investigation resulting in the seizure of  
2 the Defendant Property began in December 2021, when a Confidential Informant (CI)  
3 informed the Bureau Alcohol, Tobacco, Firearms and Explosives (ATF), that he/she  
4 could purchase fentanyl-laced pills from CERVANTES. The CI stated he/she knew  
5 CERVANTES prior to this current investigation. As explained in detail below, ATF  
6 utilized the CI to conduct three controlled buys of fentanyl from CERVANTES.  
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9           11. On June 14, 2022, a grand jury within the Eastern District of Washington  
10 returned an Indictment against CERVANTES for Felon in Possession of Ammunition,  
11 in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2) from a prior incident in December  
12 2019.  
13

14           12. On October 12, 2022, a grand jury within the Eastern District of  
15 Washington returned a Indictment against CERVANTES for Distribution of 40 Grams  
16 or more of Fentanyl, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B)(vi).  
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18           A. January 5, 2022 -- Controlled Buy #1 of Fentanyl  
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20           13. On January 5, 2022, ATF agents utilized the CI to conduct a controlled  
21 purchase of approximately 100 fentanyl-laced pills from CERVANTES. Prior to the  
22 controlled buy, Special Agent Bryan Bach (SA Bach) provided the CI with buy funds,  
23 and the electronic surveillance equipment to record the controlled purchase. ATF  
24 Task Force Officer (TFO) Thomas Garza searched the CI's vehicle for contraband  
25 with negative results. The CI then drove to the meet location, where the CI  
26 communicated with CERVANTES via Snapchat. These messages were not  
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1 memorialized as the CI's phone closed Snapchat before the messages could be  
2 captured. CERVANTES and the CI agreed to meet at Fiesta Foods, located at 1008  
3 East Nob Hill Boulevard, Yakima, WA, to make the exchange.  
4

5 14. Immediately prior to the controlled purchase, Yakima Police Department  
6 (YPD) Detective Peter Equihua was conducting surveillance on CERVANTES'S  
7 residence, 191 South Street, Wapato, WA, which is owned by Alicia Cervantes,  
8 CERVANTES'S mother, and observed a beige-in-color 2005 Mazda 3 Sedan,  
9 Washington license AZP5246, registered to Alicia Cervantes, parked in front of the  
10 residence. Detective Equihua then observed the Mazda leave the residence with a  
11 lone, male driver. Additional surveillance units later observed the Mazda enter the  
12 parking lot of Fiesta Foods, with an unknown male in the front passenger seat. YPD  
13 Detective Patrick Schad, who was positioned at Fiesta Foods, positively identified  
14 CERVANTES as the driver of the Mazda as CERVANTES drove by his location in  
15 the Fiesta Foods parking lot.  
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19 15. Surveillance units maintained a visual surveillance on the Mazda and  
20 observed the CI enter the Mazda. A short time later, the CI exited the Mazda and  
21 returned to his/her vehicle and departed the area. The CI then communicated to TFO  
22 Garza that it had been a successful purchase for the suspected fentanyl pills. The CI  
23 then drove out of the area and met with SA Bach and TFO Garza and provided the  
24 suspected fentanyl-laced pills to SA Bach. The suspected fentanyl pills were not  
25 field-tested or physically counted due to safety hazards associated with exposure to  
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1 fentanyl but were sent to the United States Drug Enforcement (DEA) lab for analysis.  
2 However, the physical appearance of the suspected fentanyl-laced pills, i.e., blue color  
3 and size, imprinted with an “M” in a square on one side and “30” imprinted on the  
4 other side, were similar to other fentanyl pills seized in other investigations. The  
5 approximate 100 suspected fentanyl-laced pills weighed 24 gross grams total with  
6 packaging, and 10.9 grams as originally packaged from CERVANTES. The CI  
7 informed agents that there had been another male by the name of “Junior Garcia”  
8 present inside the Mazda during the controlled purchase, who the CI stated had no  
9 known involvement during the controlled purchase. The CI stated they received the  
10 drugs from Gucci (CERVANTES) after providing the money directly to Gucci<sup>1</sup>  
11 (CERVANTES). SA Bach searched the CI and his/her vehicle with negative results.  
12 The CI positively identified Gucci (CERVANTES) as the individual who had just sold  
13 them the fentanyl-laced pills based on prior interactions with CERVANTES.  
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18 B. January 19, 2022 – Controlled Buy #2 of Fentanyl

19 16. On January 19, 2022, ATF agents utilized the CI to conduct a controlled  
20 purchase of approximately 500 fentanyl-laced pills from CERVANTES. SA Bach and  
21 TFO Garza met with the CI, whom SA Bach searched for contraband with negative  
22 results. SA Bach provided the CI with buy funds and electronic surveillance  
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26 <sup>1</sup> “Gucci” is a moniker used by CERVANTES. CERVANTES has social media  
27 accounts listing his name as “Gucci”, “kidgucci” or “kidgucci.com”. CERVANTES  
28 also appears to have a “gucci” logo tattooed on his hand.

1 equipment to record the controlled purchase. TFO Garza searched the CI's vehicle for  
2 contraband with negative results. SA Bach photographed the Snapchat account  
3 CERVANTES was using and noted the Snapchat user account was "kidgucci.com".  
4

5 17. The CI then drove to the meet location, communicating with  
6 CERVANTES via Snapchat. Most, but not all, of these messages were  
7 memorialized because Snapchat messages automatically erase when the application is  
8 closed. SA Bach asked the CI to read any messages from CERVANTES out loud so  
9 they would be memorialized on the recording.  
10

11 18. Prior to the controlled buy, YPD Detective Equihua was positioned  
12 outside 191 South Street, Wapato, WA and observed the Mazda parked in front of the  
13 residence. Detective Equihua then observed the Mazda depart the residence. As the  
14 Mazda was leaving the residence, Detective Equihua was able to positively identify  
15 CERVANTES who appeared to be the sole occupant of vehicle. A short time later,  
16 surveillance units located CERVANTES driving the Mazda into Union Gap, WA.  
17  
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19 19. Immediately before the controlled purchase was to occur, CERVANTES  
20 changed the meet location to the Buffalo Wild Wings parking lot, located at 2529  
21 Main Street, Union Gap, WA. CERVANTES directed the CI to the Buffalo Wild  
22 Wings parking lot, where agents observed the Mazda. During this time, the CI and  
23 CERVANTES were on a Snapchat call discussing the new meet location. The CI  
24 parked near CERVANTES and entered the Mazda. Surveillance units had a visual on  
25 vehicle and observed the CI enter the Mazda  
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1           20.    A short time later, the CI returned to his/her vehicle and departed the  
2 area. The CI then informed TFO Garza that it had been a successful purchase for the  
3 suspected fentanyl-laced pills.

4           21.    The CI then drove out of the area to meet with SA Bach and TFO Garza.  
5 The CI subsequently provided the suspected fentanyl-laced pills to SA Bach and TFO  
6 Garza. The suspected fentanyl pills were not field-tested or physically counted due to  
7 safety hazards associated with exposure to fentanyl but were sent to the DEA lab for  
8 further analysis. However, the physical appearance of the suspected fentanyl-laced  
9 pills, i.e., blue color and size, imprinted with an “M” in a square on one side and “30”  
10 imprinted on the other side, were similar to other fentanyl pills seized in other  
11 investigations. The approximate 500 suspected fentanyl-laced pills weighed 75 gross  
12 grams total with packaging, and 64 grams as originally received from CERVANTES.  
13

14           22.    The CI stated he/she received the pills from “Gucci” (CERVANTES)  
15 after providing \$1,500.00 directly to “Gucci” (CERVANTES). SA Bach and TFO  
16 Garza searched the CI and his/her vehicle with negative results. Surveillance units  
17 maintained mobile surveillance of Mazda after the controlled purchase and observed  
18 CERVANTES return to 191 South Street, Wapato, WA.  
19

20           C.    February 24, 2022 – Controlled Buy #3 of Fentanyl  
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22           23.    On February 24, 2022, ATF agents utilized the same CI to conduct a  
23 third controlled purchase of approximately 100 fentanyl-laced pills from  
24 CERVANTES at the Fiesta Foods parking lot located at 1008 East Nob Hill  
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1 Boulevard, Yakima, WA. During their brief with the CI, SA Kingston and TFO  
2 Garza searched the CI for contraband, with negative results. TFO Garza provided the  
3 CI with buy funds and electronic surveillance equipment to record the controlled  
4 purchase. TFO Garza also searched the CI's vehicle for contraband, with negative  
5 results. The CI then drove to the meet location. The CI communicated with  
6 CERVANTES via Snapchat. Most, but not all, of these messages were memorialized  
7 via photographs. Messages not memorialized was due to Snapchat messages  
8 automatically erase when the application is closed. TFO Garza asked the CI to read  
9 any messages from CERVANTES out loud so they would be memorialized on the  
10 recording.  
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14 24. Prior to the controlled purchase, YPD Detective Schad was surveilling  
15 191 South Street, Wapato, WA, and observed a lone Hispanic male with the same  
16 physical characteristics as CERVANTES leave the residence and enter a white  
17 Mercedes Benz coupe with black wheels, tinted windows, bearing Washington  
18 License Plate CDD1230 – the Defendant Vehicle – parked in front of the residence.  
19 YPD Detective Schad then observed the Defendant Vehicle depart the residence and  
20 pass his location, at which time Det Equihua was able to positively identify  
21 CERVANTES as the lone driver of the Defendant Vehicle.  
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25 25. Surveillance units followed CERVANTES to the Fiesta Foods parking  
26 lot located at 1008 East Nob Hill Boulevard, Yakima, WA, where CERVANTES met  
27 up with a blue Ford Mustang, bearing Washington state license plate CBC1823. An  
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1 unknown Hispanic male exited the blue Ford Mustang and entered Defendant Vehicle  
2 for approximately 2-3 minutes, then exited the Defendant Vehicle and walked back to  
3 the blue Ford Mustang. Surveillance observed the unknown Hispanic male place a  
4 small package in his pants pocket while returning to the blue Ford Mustang.  
5

6 26. After meeting with the unknown Hispanic male, the CI and  
7 CERVANTES discussed a meet location via Snapchat. CERVANTES then parked  
8 near the CI and entered the Defendant Vehicle with CERVANTES sitting in the  
9 driver's seat. A short time, later the CI exited the Defendant Vehicle and returned to  
10 their vehicle and departed the area. The CI then informed TFO Garza that is had been  
11 a successful purchase for the suspected fentanyl-laced pills.  
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14 27. The CI then drove out of the area and met with SA Kingston and TFO  
15 Garza, where the CI provided the suspected fentanyl-laced pills to SA Kingston. The  
16 suspected fentanyl pills were not field-tested or physically counted due to safety  
17 hazards associated with exposure to fentanyl but were sent to the DEA lab for  
18 analysis. However, the physical appearance of the suspected fentanyl-laced pills, i.e.,  
19 blue color and size, imprinted with an "M" in a square on one side and "30" imprinted  
20 on the other side, were similar to other fentanyl pills seized in other investigations.  
21 The approximate 100 suspected fentanyl laced pills weighed 27 gross grams total with  
22 packaging, and 12 grams as originally packaged from CERVANTES. The CI stated  
23 they received the pills from "Gucci" (CERVANTES) and provided the money directly  
24 to CERVANTES. TFO Garza searched the CI and their vehicle with negative results.  
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1 D. May 26, 2022 – Fentanyl Price Check with CERVANTES

2 28. On May 26, 2022, the CI, at the direction ATF, called CERVANTES to  
3 obtain a price check from CERVANTES on 500 or 1,000 fentanyl laced pills. The CI  
4 stated they initially asked CERVANTES via Snapchat for the price of a “half-boat”  
5 which was not captured via photograph. When the CI asked CERVANTES “How  
6 much for a full boat?”, CERVANTES responded, “25”, which law enforcement  
7 believes means \$2,500 which is in the price range for 1,000 fentanyl laced pills based  
8 off my experience. Generally, 1,000 fentanyl laced pills are commonly referred to as a  
9 “boat”, and 500 pills referred to as a “half-boat” in the drug-trafficking world. This  
10 communication indicates that CERVANTES was trafficking fentanyl-laced pills.  
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14 E. June 8, 2022 – Surveillance of the Defendant Vehicle

15 29. On June 8, 2022, ATF Special Agents David Steen and Bryan Bach  
16 observed CERVANTES washing the Defendant Vehicle in front of 191 South Street,  
17 Wapato, WA. Agents observed CERVANTES using a hose, which appeared to be  
18 connected to the residence, to wash the Defendant Vehicle.  
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21 30. Over the course of the investigation into CERVANTES, law enforcement  
22 has become familiar with the Defendant Vehicle and observed that CERVANTES  
23 regularly drives the Defendant Vehicle. It appeared this is the same Defendant  
24 Vehicle CERVANTES used during controlled purchase number 3, which at that time,  
25 had a temporary registration affixed to it.  
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1           31. SA Bryan Bach queried Washington Department of Licensing for  
2 Washington License Plate CDD1230 and learned that the Defendant Vehicle is  
3 registered to “Alicia Ruiz Cervantes”, the mother of CERVANTES. The registered  
4 address for the Defendant Vehicle is 191 South Street, Wapato, WA, with a report of  
5 transfer of title on April 15, 2022.  
6

7           32. On June 10, 2022, ATF Special Agents Steen, Katlin Standiford and  
8 Bryan Bach, along with ATF TFOs Mark Keller and Thomas Garza of the Yakima  
9 Field Office conducted surveillance of CERVANTES and observed the Defendant  
10 Vehicle parked in the driveway of 191 South Street, Wapato, WA. The vehicle was  
11 observed backing out of the driveway and turning eastbound towards Allen’s Market  
12 place. CERVANTES was later determined to be the sole occupant of this vehicle.  
13 CERVANTES drove to 520 Campbell Road, Wapato, WA, where he remained for  
14 approximately 40 minutes. CERVANTES then met with several unknown Hispanic  
15 males outside of this residence. CERVANTES then left in the Defendant Vehicle and  
16 drove towards Yakima, WA, before surveillance lost the vehicle in traffic.  
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21           F. Execution of Search Warrants and Seizures of Defendant Property

22           33. On or about June 22, 2022, federal agents from ATF and DEA, along  
23 with Task Force Officers, executed federal search warrants at 191 South Street,  
24 Wapato, WA, on the 2005 Mazda 3 Sedan, Washington License Plate AZP5246, and  
25 on the 2013 Mercedes Benz, Washington License Plate CDD1230 (the Defendant  
26 Vehicle).  
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i. *191 South Street, Wapato, WA*

34. Upon execution of the search warrant, the occupants came to the front door of the house and were called out of the house. The occupants were identified as Amanda Riojas and Alicia Ruiz Cervantes. Alicia is the homeowner of the property and Amanda is dating Ernesto Cervantes-Ruiz. Simultaneously, a separate entry team knocked and announced at the detached garage, which Ernesto Cervantes-Ruiz exited. Once the property was secured, WSP Trooper Woodside and K9 Brakken conducted a controlled substance sniff of the residence and vehicles.

35. SA Bach and Detective Equihua attempted to interview Alicia Cervantes, who only speaks Spanish. Alicia was informed two vehicles that were registered to her were being seized due to their facilitation of drug trafficking. Alicia denied the vehicles were used to facilitate drug trafficking and stated she wished to not answer any more questions. The interview was terminated.

36. Cervantes-Ruiz, Riojas, and Cervantes remained in the front yard until the conclusion of the execution of the search warrant.

37. During a search of the premises, the following items were located in the main part of the house and seized:

a. One (1) vehicle title for 2013 Mercedes, Model C.

b. Two (2) bundle's of cash located in Alicia Cervantes' room.

Bundle 1 was found in found in a dresser drawer in Alicia Cervantes' bedroom. Bundle 2 was also found in a dresser drawer in Alicia

1 Cervantes' bedroom. Bundle 1 was counted and determined to be  
2 \$3850.00 dollars. Bundle 2 was counted and determined to be  
3 \$7000.00 dollars.

4  
5 c. Currency located on top of a dresser in Oscar Cervantes bedroom,  
6 found in the house, which totaled \$395. The cash was not processed into  
7 ATF Property and was released to DEA Yakima Task Force Officer  
8 Rafael Sanchez on June 24, 2022, for Washington State seizure.  
9

10 38. Once the property was secured, WSP Trooper Woodside and K9 Brakken  
11 conducted a controlled substance sniff of the residence and vehicles. K9 Brakken  
12 alerted to controlled substances.  
13

14 39. On June 24, 2022, ATF Special Agent Bryan Bach and Katlin Standiford  
15 transported four different bundles of U.S. currency, seized during search warrants on  
16 June 22, 2022, at 191 South Street, Wapato, WA, which was counted and converted  
17 into cashier's checks at Bank of America located at 2515 Main Street, Union Gap,  
18 Washington. Bundle one and two where then combined together to make one cashier's  
19 check payable to the US Marshal Service in the amount of \$10,850.00 dollars.  
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22 40. TFO Garza, the evidence team leader for the garage, reported the  
23 following items were located in the garage:  
24

25 a. Two clear plastic bags containing suspected fentanyl laced pills  
26 located in a disposable glove box near tattooing supplies, located by Det  
27 Saldana.  
28

1 b. Springfield XD-9 pistol, 9mm, bearing serial number BY529039,  
2 which contained a loaded magazine (16 rounds), with no round in the  
3 chamber, located by SA Hudson in a black purse with a Washington  
4 state concealed pistol license in the name of Amanda Riojas.  
5

6 c. One box containing .22lr ammunition contained in a small safe,  
7 located by TFO Garza.  
8

9 d. Hornady 40 caliber ammunition contained in a small safe, located  
10 by TFO Garza.

11 e. Assorted 9mm ammunition contained in a small safe, located by  
12 TFO Garza.  
13

14 f. Night Owl DVR, located by Sgt. Soptich

15 g. One grey iPhone with clear case (Ernesto identified as his), located  
16 by TFO Garza.  
17

18 h. Prescription Pill bottle containing Suboxone, with the name  
19 Guillermo Morfin, located by TFO Garza.  
20

21 i. Bulk US currency located in a black backpack by SA Hudson.1  
22 Later counted by Bank of America and determined to be one thousand six  
23 hundred eighty-six dollars (\$1686.00). (Not entered into ATF evidence,  
24 but transferred to DEA TFO Raphael Sanchez).  
25

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ii. *Search of Defendant Vehicle*

41. When the search warrant was executed for the residence, the Mazda 3 and Mercedes Model C250 (Defendant Vehicle), which also had Federal search warrants, were transported back the ATF Yakima Field Office where the search warrants were to be executed at a later time.

42. On June 22, 2022, ATF Special Agents of the Yakima Field Office executed the two Federal search warrants pertaining to the Mazda 3 and Mercedes Model C250 (Defendant Vehicle) seized from 191 South Street, Wapato.

43. Federal search warrant 1:22-MJ-04104-ACE was executed on the Defendant Property, a White 2013 Mercedes Benz C Model coupe, bearing Washington license plate: CDD1230 and VIN: WDDGJ4HBXDF952456. Located in the Mercedes was \$34.55 in US currency. Also located was male clothing, cologne, cigars, and condoms, indicating CERVANTES was in control of the vehicle. No women's clothes were located.

44. Federal search warrant 1:22-MJ-04103-ACE was executed on a Beige Mazda 3 Sedan, bearing license plate AZP5246 and VIN: JM1BK123651325396. Alicia Cervantes' purse, with her driver's license, was also located in the vehicle, along with a small amount of US currency in her purse and coins scattered between the center console and under the seats. The following morning SA Bach had arranged for Alicia Cervantes to retrieve her purse and contents. SA Bach collected the items for Cervantes, including the US Currency which totaled \$20.92. While SA Bach was

1 gathering the coins, he located three suspected fentanyl laced pills. The first was in the  
2 center console and two located under the driver seat.

3 G. Administrative Claims

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5 45. On or about August 30, 2022, ATF's Forfeiture & Seized Property  
6 Division received an administrative claim from Alicia Ruiz Cervantes, signed by  
7 "Alicia Cervantes", for the Defendant Property.

8  
9 46. In her claim, Alicia Ruiz Cervantes alleges that the Defendant Currency  
10 seized from her dresser drawer "was money borrowed from my daughter and friend to  
11 repair my house." She further claims that the Defendant Vehicle is an upgrade from  
12 her Mazda, which bought a few months prior to the seizure.

13  
14 i. *Defendant Currency*

15 47. In support of her claim as to the Defendant Currency, Alicia Cervantes  
16 provided a handwritten notarized statement dated August 16, 2022, signed by  
17 Rosemary Gomez, which stated that Rosemary Gomez loaned Alicia Cervantes  
18 \$2,800 on June 15, 2022, for house repairs.

19  
20 48. A transaction summary from Rosemary R. Gomez's card ending in 1064,  
21 submitted by Alicia Cervantes in support of her claim, shows that for September,  
22 October, November 2021, and February, 2022, March 2022, April, 2022, May, 2022,  
23 and June 2022, indicate various cash withdrawals of various amounts. The records  
24 also show that Rosemary Gomez received monthly SSI & SSA funds via direct  
25 deposit totaling amount \$861.00.  
26  
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1           49.    SA Bach interviewed Rosemary Gomez on November 21, 2022.

2   Rosemary is the biological mother of Amanda Riojas, the boyfriend of Ernesto, who  
3   lives in the back garage area of Alicia Ruiz Cervantes' home. Amanda was raised by  
4   her aunt, Rosemary's sister.  
5

6           50.    Rosemary Gomez indicated that provided a loan, but does not know the  
7   exact amount of the loan. She believes it may be between \$1,000 - \$2,000. She stated  
8   they asked for more money ,but she stated she could not give more until they paid her  
9   back because she is on a fixed low income. She stated the source of the funds was  
10   from Social Security  
11

12           51.    Rosemary Gomez stated that Amanda Riojas drove Ms. Gomez to Alicia  
13   Cervantes' house where Rosemary provided the money to Alisha. She believed the  
14   denominations were \$20 and \$100.  
15

16           52.    Rosemary Gomez stated she does not remember when the loan started.  
17   She stated it was a certain amount, then she provided more money when they asked so  
18   she is unsure the total because she provided money on different occasions. Ms. Gomez  
19   stated she has a very bad memory because she takes so many pills.  
20

21           53.    Rosemary Gomez stated there is no written loan document, no timeline  
22   to pay back, and no terms of the loan or interest. She does not have a phone number  
23   for Alicia Cervantes. She indicated she had only been to Alicia Cervantes' house 2-5  
24   times and that she does not know Alicia Cervantes very well.  
25  
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1           54.     Rosemary Gomez stated she was made to believe the loan was for house  
2 repairs – perhaps a roof repair. She further believed Alicia Cervantes was going to sell  
3 the house sometime in the future.

4           55.     Amanda Rioja is Rosemary Gomez’s state-appointed caretaker. In that  
5 role, Amanda Riojas cares for Rosemary Gomez 3-4 days per week from 10:30-2:30.  
6

7           56.     In further support of her administrative claim, Alicia Ruiz Cervantes  
8 includes a handwritten notarized statement dated August 25, 2022, from Laura  
9 Herrera, Alicia Cervantes’ daughter. The note states that Laura Herrera let Alicia  
10 Cervantes borrow \$2,200 in March 2022 and an additional \$6,000 in June 2022, for a  
11 total of \$8,200. The note alleges that the funds were lent to Alicia Cervantes for house  
12 repairs. The note states the parties agreed that Alicia Cervantes would repay the funds  
13 when she sold her house. Included with the note are statements of withdrawals from  
14 Laura Herrera’s bank account. However, the documents provided are mostly illegible.  
15

16           57.     SA Bach interviewed Laura Herrera on November 21, 2022. Laura  
17 Herrera stated there was no written documentation or terms. She repeated the claim  
18 that she loaned Alicia Cervantes the funds for house repairs. She claimed Alicia  
19 Cervantes agreed to return money once house is sold.  
20

21           58.     Laura Herrera stated has no job, but her husband works for gas company  
22 as an operator and provides for her. Laura Herrera claimed the money was given to  
23 Alicia Cervantes when she came to visit. Alicia Cervantes takes the bus when she  
24  
25  
26  
27  
28

1 comes to visit, possibly the Fronteras from Wapato or Toppenish to Modesto, CA.

2 Laura Herrera could not recall the denominations of the funds.

3 59. Attempts to interview Alicia Ruiz Cervantes have been unsuccessful.

4  
5 60. As noted above, during a previous execution of federal search warrants at  
6 Alicia Cervantes' residence, federal agents seized \$7,700 from Alicia Cervantes. On  
7 September 10, 2021, SA Bach interviewed Alicia Cervantes regarding that seizure and  
8 her claim to those funds. Notably, Alicia Cervantes asserted a similar claim that the  
9 funds that were seized at that time were savings to perform house repairs. Alicia  
10 Cervantes' prior administrative claim was denied by ATF.  
11

12  
13 ii. *Defendant Vehicle*

14 61. In support of her claim to the Defendant Vehicle, Alicia Ruiz Cervantes  
15 provided the following documentation:  
16

17 a. A Washington State Vehicle Report of Sale which lists a sale date  
18 of February 6, 2022, and a sale price of "Trade + \$5,000." The seller is  
19 listed as Edith Hernandez and the buyer is listed as Alicia Ruiz  
20 Cervantes.  
21

22 b. A duplicate of a Washington State Vehicle Registration Certificate  
23 dated August 26, 2022, originally issued on April 15, 2022, listing Alicia  
24 Ruiz Cervantes as the registered owner of the Defendant Vehicle. The  
25 registration is signed "Alicia Cervantes".  
26

27 c. A partial transaction history for Customer Alicia Cervantes Ruiz,  
28

1 Account CA/NV Savings # XXXXXX5861, showing a withdrawal of  
2 \$5,000.00 in the amount of \$5,000.00, on September 28, 2020, and a  
3 check fee for \$8.00 posted the next day on September 29, 2020.  
4

5 62. On November 21, 2022, ATF SA Bryan Bach contacted the seller, Edith  
6 Hernandez, via telephone and interviewed her about the sale of the Defendant Vehicle.  
7 During the interview, Ms. Hernandez stated the following:  
8

9 a. She is not related to the people who bought the Mercedes and she  
10 has not had contact with them since the sale.

11 b. She sold the vehicle online through OfferUp. The date of sale of  
12 February 6, 2022, sounded correct to her.

13 c. The reason the bill of sale says “trade” is because one of the males  
14 that came to buy it stated it needed to say that to be easier at the DMV.  
15 Ms. Hernandez stated that the actual sale price was \$10,500, which was  
16 paid in \$100 dollar bills.  
17

18 d. When asked about the purchasers of the vehicle, initially Ms.  
19 Hernandez stated there was not a female present during the purchase. But  
20 then Ms. Hernandez recalled that when she asked for the buyer’s  
21 identification, it was provided by a female. Ms. Hernandez could not  
22 guess the age of the female. Ms. Hernandez said that the female was not  
23 very involved in the purchase and there were three or four males present  
24 which were the ones interacting with her. Ms. Hernandez could not  
25  
26  
27  
28

1 remember specifics about the males. SA Bach asked if they had any  
2 tattoos on their hands and neck and she stated they all did. She stated she  
3 could not remember if they had any gold teeth.  
4

5 63. As noted above, Alicia Ruiz Cervantes is on a limited income. Tax  
6 returns provided by Alicia Ruiz Cervantes in a previous administrative claim indicated  
7 that she earned approximately \$16,029 in 2019. A cash purchase of a vehicle for  
8 \$10,500 would represent approximately 65.5% of her 2019 earnings.  
9

10 64. As noted above, when the recent search warrants were executed, Alicia  
11 Ruiz Cervantes' purse and driver's license were located in the 2005 Mazda. There  
12 were no indicia located in the Defendant Vehicle indicating that she is the primary  
13 user of that vehicle.  
14

## 15 **VI. CONCLUSION**

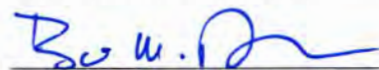
16  
17 Based on the foregoing, the United States alleges that the Defendant Property is  
18 subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6), because it  
19 constitutes: 1) money, negotiable instruments, securities and other things of value  
20 furnished and intended to be furnished in exchange for a controlled substance in  
21 violation of the Controlled Substances Act; 2) proceeds traceable to such an exchange;  
22 and/or 3) money, negotiable instruments, and securities used and intended to be used  
23 to facilitate a violation of the Controlled Substances Act, which is used, or intended to  
24 be used, in any manner or part, to commit, or to facilitate the commission of,  
25 violations of the Controlled Substances Act; and/or in accordance with the provisions  
26  
27  
28

1 to facilitate a violation of the Controlled Substances Act, which is used, or intended to  
2 be used, in any manner or part, to commit, or to facilitate the commission of,  
3 violations of the Controlled Substances Act; and/or in accordance with the provisions  
4 of 21 U.S.C. § 881(a)(4), because it constitutes property used or intended for use to  
5 transport, or in any manner to facilitate the transportation, sale, receipt, possession, or  
6 concealment of controlled substances.  
7

8  
9 WHEREFORE, the United States of America requests that notice of this action  
10 be given to all persons who reasonably appear to be potential claimants of interests in  
11 the property; that the Defendant Property be forfeited and condemned to the United  
12 States of America; that the plaintiff be awarded its costs and disbursements in this  
13 action and for such other and further relief as this Court deems proper and just.  
14

15 DATED this 28th day of November 2022.  
16

17 Vanessa R. Waldref  
18 United States Attorney

19 

20 Brian M. Donovan  
21 Assistant United States Attorney

22 VERIFICATION

23 I, Bryan A. Bach hereby verify and declare under penalty of perjury that I am a  
24 Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, in  
25 Yakima, Washington, that I have read the foregoing Verified Complaint *in rem* and  
26 know the contents thereof, and that the matters contained in the Verified Complaint  
27  
28

1 are true to my own knowledge, except that those matters herein stated to be alleged on  
2 information and belief and as to those matters, I believe them to be true.

3 The sources of my knowledge and information and the grounds of my belief are  
4 the official files and records of the United States, information supplied to me by other  
5 law enforcement officers, as well as my investigation of this case, together with  
6 others, as a Special Agent.

7  
8 I hereby verify and declare under penalty of perjury that the foregoing  
9 information is true and correct.  
10

11 DATED this 28 day of November 2022.

12  
13 

Digitally signed by BRYAN BACH  
Date: 2022.11.28 16:45:00 -08'00'

14 Bryan A. Bach  
15 Special Agent  
16 Bureau of Alcohol, Tobacco, Firearms and Explosives  
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